IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

WP(C).No. 7656 of 2007(J)

PETITIONER:

JOSE MAVELI, S/O.THOMAS, AGED 56 YEARS
PRESIDENT, JANASEVA SISUBHAVAN,
ALUVA.

BY ADV. SRI.B.S.SWATHY KUMAR
SMT.P.A.ANITHA

RESPONDENT:

STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY, SECRETARIATE,
THIRUVANANTHAPURAM.

BY GOVT.PLEADER SRI.BENJAMIN PAUL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/03/2007, THE COURT ON 19/06/2007 DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.7656 OF 2007-J

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Dated this the 20th day of June, 2007.

JUDGMENT

Petitioner, a registered society pleaded to be a fit institution as recognized by the Board of Control for the Orphanages and Other Charitable Homes, Kerala, the Authority under the Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960, challenges Ext.P6 by which three children were allowed to go back with their parents.

2. At the hearing, it was noticed that among the various grounds raised, the petitioner's grievances were not to ensure that the exercise of authority by the Chief Judicial Magistrate, Ernakulam is appropriately done and not to be passed off as if it was an action of the Child Welfare Committee, though at the time of institution of this writ petition, such a Committee was yet to be constituted. Having regard to the contentions, I called for the files in

relation to which Ext.P5 was issued.

3. Also on record is the communication from the Chief Judicial Magistrate to the Registrar (Subordinate Judiciary) that no Child Welfare Committee is constituted as on 9-3-2007, the date of that letter and the Courts are exercising the powers of the Child Welfare Committee in terms of the decision of this Court in **Parvathy's case [2002 (1) KLT 523]**.

4. In the meanwhile, a very detailed judgment has been issued by this Court in Crl.R.P.No.4423/2006, essentially containing the guidelines, which would apply to the situation as is pointed out in this writ petition. Under such circumstances, I do not deem it necessary to pass any further orders in this writ petition, but to state that the law laid by this Court in the aforesaid criminal revision petition shall also be taken note off by the court below.

The writ petition is disposed of in the above terms.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-